



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/746,360	11/08/96	CHRISTOPHER	T 9872

QM32/0925  
SCULLY SCOTT MURPHY & PRESSER  
400 GARDEN CITY PLAZA  
GARDEN CITY NY 11530

EXAMINER

JAWORSKI, F

ART UNIT

PAPER NUMBER

3737

DATE MAILED: 09/25/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**



LEOPOLD PRESSER  
SCULLY, SCOTT, MURPHY & PRESSER  
400 GARDEN CITY PLAZA  
GARDEN CITY, NY 11530

In re Application of Ted Christopher :  
Application No. 08/746,360 : PUBLIC USE PROCEEDING  
Filed: November 8, 1996 :  
Attorney Docket No. 9872 :

A Decision granting a petition to institute public use proceedings was mailed in the present application on February 25, 2000.

As set forth in 37 CFR 1.292(a), the conduct of this public use proceeding shall be in accordance with 37 CFR 1.671 - 1.685, as amended effective April 21, 1995. See Notice of Final Rule, 60 Fed. Reg. 14488 (March 17, 1995), corrections printed in 60 Fed. Reg. 16920 (April 3, 1995). The final rule notice, including corrections, was also published at 1173 Off. Gaz. Pat. & TM Office 36 (April 11, 1995). The complete text of the interference rules, including amendments, was published at 1173 Off. Gaz. Pat. & TM Office 384 (April 18, 1995). Appendix R of the MPEP (7th Ed.) (July 1998) also contains the complete text of the interference rules as amended effective April 21, 1995.

In conformance with the Decision mailed February 25, 2000, directing the institution of public use proceedings, the times for taking testimony are set as follows:

#### **Schedule for testimony**

1. Testimony for petitioner to close..... November 30, 2000
2. Time for the applicant to file objections to admissi-  
bility of petitioner's evidence to close..... December 20, 2000
3. Time for the petitioner to file supplemental evidence  
to overcome the objections to close 20 days from  
the above date..... January 10, 2001
4. Time for the applicant to request cross-examination  
of the petitioner's affiants to close..... January 30, 2001

5. Time for cross-examination of the Petitioner's affiants to close..... March 1, 2001
6. Rebuttal testimony by applicant to close..... March 21, 2001

**Schedule for filing and serving copies of record and briefs**

One copy of each the petitioner's and the applicant's record and exhibits (See 37 CFR 1.653) is due..... April 20, 2001

Petitioner's brief is due..... May 20, 2001

Applicant's brief is due..... June 10, 2001

Applicant and petitioner may agree on a different schedule for testimony, records and briefs, provided the last brief is due no later than the date set forth above and provided a copy of the new schedule is filed by either applicant or petitioner.

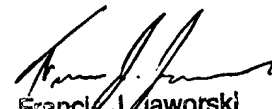
A certified transcript of a deposition must be filed in the Patent and Trademark Office within one month after the date of deposition. 37 CFR 1.678.

**SERVICE OF PAPERS**

All further papers in this public use proceeding shall be served in accordance with 37 CFR 1.248.

Since this is an ex parte case, no oral hearing will be held. Attention is directed to MPEP Section 720.04 and 720.05 (7th Ed.) (July 1998).

Francis J. Jaworski  
Primary Examiner  
Technology Center Art Unit 3737

  
Francis J. Jaworski  
Primary Examiner